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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,608	11/24/2003	Joseph J. Massad	M3330.003	4237
24118	7590	07/18/2007		
HEAD, JOHNSON & KACHIGIAN 228 W 17TH PLACE TULSA, OK 74119			EXAMINER WILSON, JOHN J	
			ART UNIT 3732	PAPER NUMBER
			MAIL DATE 07/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/720,608

Applicant(s)

MASSAD, JOSEPH J.

Examiner

John J. Wilson

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.  
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) 1-5, 7 and 8 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 6 and 9-18 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 06 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 6/6/07.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application  
 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

Claims 1-5, 7 and 8 stand withdrawn with traverse as being directed to non-elected inventions.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In lines 10 and 11, "said occlusal surface of said special tooth" lacks proper antecedent basis with the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Laszlo (6608020). Laszlo teaches a tooth 4 provided with sides at 31, Figs. 2 and 3, resin filling, column 2, lines 39-42, which form an occlusal surface. Laszlo shows in the

figures walls at 31 that have an inverse hour glass shape, the expanded bottom the shown walls inherently provides an undercut.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 11, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Opotow (2309270) in view of Laszlo (6608020). Opotow shows a dental prosthesis 10 having teeth as shown, central bearing 12, removable attaching material 13. The shown central bearing is capable of being received in the mouth, page 2, column 1, lines 14-45, and is inherently capable of maintaining a spaced relationship. Opotow teaches the occlusion is adjusted, page 2, column 2, lines 7-25. The material 13 functions as an adhesive. Opotow does not show a tooth housing with a receptacle. Laszlo teaches a housing 31 having a receptacle. It would be obvious to one of ordinary skill in the art to modify Opotow to include a tooth housing as shown by Laszlo in order to better obtain the desired occlusion by an art known alternative method. As to claims 11 and 13, Laszlo teaches using resin for filling. To use resin for the tooth housing also would be an obvious matter of choice in the use of well known materials for teeth to one of ordinary skill in the art. The specific adhesive used is an obvious matter of choice in known materials for attaching devices to the skilled artisan.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laszlo (6608020) in view of Faust et al (3826002). Laszlo shows the structure described above, however, does not show a removable insert. Faust shows a removable insert, Figs. 11-13. It would be obvious to one of ordinary skill in the art to modify Laszlo to include an insert as shown by Faust as the claim language is a list of elements properly met by a list of elements in the prior art.

Claim 15 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Opotow (2309270) in view of Laszlo (6608020) as applied to claim 9 above, and further in view of Faust et al (3826002). The above combination does not show a removable insert. Faust shows a removable insert, Figs. 11-13. It would be obvious to one of ordinary skill in the art to modify the above combination to include an insert as shown by Faust as the claim language is a list of elements properly met by a list of elements in the prior art.

Claim 17 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Opotow (2309270) in view of Laszlo (6608020) as applied to claim 9 above, and further in view of Luth (5188529). Opotow further shows a bearing plate 31 and bearing pin 22, however, the above combination does not show a lock nut. Luth teaches using a lock nut 11B. It would be obvious to one of ordinary skill in the art to modify the above

combination to include a lock nut as shown by Luth in order to lock the elements in position.

### ***Drawings***

The drawings submitted June 6, 2007 have been found to be acceptable by the examiner.

### ***Response to Arguments***

Applicant's arguments filed June 6, 2007 have been fully considered but they are not persuasive. The newly applied reference to Laszlo '020 show an undercut as indicated above. Oprotow is capable of being received in the mouth as described above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is 571-272-4722). The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez, can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***/John J Wilson/  
Primary Examiner  
Art Unit 3732***

jw  
July 10, 2007